

Herbert A. Viergutz, Esq.  
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Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH  
STAR TERMINAL & STEVEDORE COMPANY, d/b/a  
NORTHERN STEVEDORING & HANDLING, and NORTH  
STAR TERMINAL & STEVEDORE COMPANY, d/b/a  
NORTHERN STEVEDORING & HANDLING, on its own  
behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE  
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE,  
and SHORESIDE PETROLEUM, INC., d/b/a  
MARATHON FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK  
PRODUCTS, INC.; UNITED STATES FIDELITY AND  
GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

**AFFIDAVIT OF COUNSEL**

BAROKAS MARTIN & TOMLINSON  
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STATE OF ALASKA  
THIRD JUDICIAL DISTRICT } ss.

Herbert A. Viergutz, being first duly sworn upon oath, deposes and states as follows:

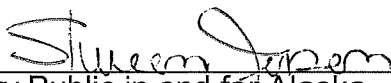
1. I am bad faith counsel of record for USF&G, in the above captioned matter.
2. Ms. Smith is located in Baltimore, Maryland, and has requested that she be able to appear telephonically at the scheduled Status Hearing of August 17, 2006. By requiring her to participate in person, a great deal of time and resources would be unnecessarily required in order to attend a Status Hearing. The Court is respectfully requested to allow Ms. Smith from Baltimore, Maryland, to participate at the August 17, 2006 Status Hearing telephonically. An appropriate Order is lodged with the Court.

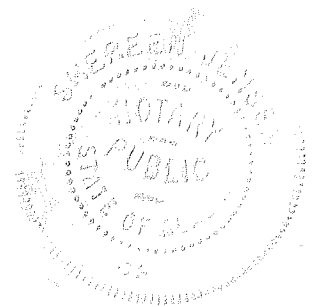
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 6 day of July, 2006.

  
Herbert A. Viergutz

SUBSCRIBED AND SWORN TO before me this 6 day of July, 2006.

  
Notary Public in and for Alaska  
My Commission Expires: 11-17-06



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this document  
was served by electronic notification on this 6<sup>th</sup>  
day of July, 2006, to:

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s/ Herbert A. Viergutz

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